

**§ 115C-264.2. Vending machine sales.**

(a) Each school may, with the approval of the local board of education, sell to students beverages in vending machines during the school day so long as:

- (1) Soft drinks are not sold (i) during the breakfast and lunch periods, (ii) at elementary schools, or (iii) contrary to the requirements of the National School Lunch Program;
- (2) Sugared carbonated soft drinks, including mid-calorie carbonated soft drinks, are not offered for sale in middle schools;
- (3) Not more than fifty percent (50%) of the offerings for sale to students in high schools are sugared carbonated soft drinks;
- (4) Diet carbonated soft drinks are not considered in the same category as sugared carbonated soft drinks; and
- (5) Bottled water products are available in every school that has beverage vending.

(b) Nothing in subsection (a) of this section prohibits a school from adopting stricter policies with respect to beverage vending.

(c) Snack vending in all schools shall, by school year 2006-2007, meet the Proficient Level of the NC Eat Smart Nutrition Standards, such that in elementary schools, no snack vending is available to students, and in middle and high schools, seventy-five percent (75%) of snack vending products have not more than 200 calories per portion or snack vending package. (2005-253, s. 2.)